

DEPARTMENT OF STATE

Division of Professional Regulation

5100 Board of Cosmetology and Barbering

Statutory Authority: 24 Delaware Code, Section 5106(a)(1) (24 **Del.C.** § 5106(a)(1))

24 **DE Admin. Code** 5100

PROPOSED

PUBLIC NOTICE

Pursuant to 24 **Del.C.** § 5106(a)(1), the Board of Cosmetology and Barbering has proposed revisions to its rules and regulations.

A public hearing will be held on June 30, 2014 at 9:00 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, where members of the public can offer comments. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Board of Cosmetology and Barbering, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address. Pursuant to 29 **Del.C.** § 10118(a), the final date to receive written comments will be July 15, 2014, which is 15 days following the public hearing. The Board will deliberate on all of the public comments at its regularly scheduled meeting on July 28, 2014, at which time the Board will decide whether to adopt the revisions as proposed.

The proposed revisions address the licensing of mobile cosmetology shops or salons. The amendments permit the licensing of such establishments while implementing requirements to provide protection to the public.

Proposed regulations

8.0 Licensure of Cosmetology Shops and Schools [24 Del.C. §§ 5107(7), 5107(15), 5103(e), 5118, 5124(5)]

8.1 “Cosmetology shop” means any place or part thereof wherein cosmetology, barbering, electrology, nail technology, aesthetics, or any part of their practices, are performed for compensation, whether or not the establishment holds itself out as a cosmetology shop.

8.2 “School of cosmetology,” “school of barbering,” “school of electrology,” “school of nail technology,” and “school of aesthetics” means any place or part thereof where such practices are taught, whether or not such place holds itself out as a school.

~~8.1~~ 8.3 All cosmetology shops and schools shall be licensed by the Board.

~~8.2~~ 8.4 Where the shop or school closes or has a change of name, address or ownership, the shop or school shall submit a new application to the Board.

~~8.3~~ 8.5 A person licensed by the Board as a cosmetologist, master barber, barber, electrologist, nail technician, aesthetician or instructor shall not work in a cosmetology shop, barbershop, nail salon, electrology establishment, aesthetics shop, school of cosmetology, barbering, nail technology, electrology or aesthetics unless such establishment has been licensed by the Board.

8.6 Mobile salons

8.6.1 “Mobile salon” means a cosmetology shop in a self-contained facility that may be moved, towed or transported from one location to another and in which cosmetology, barbering, electrology, nail technology or aesthetics is practiced.

8.6.2 Mobile salons shall be subject to all requirements of the Board’s licensing law, Chapter 51 of Title 24 of the Delaware Code, and the Board’s rules and regulations.

8.6.3 In addition to any other information required in the application for licensure, a mobile salon applicant shall provide:

8.6.3.1 A permanent business address at which records of appointments, itineraries, license numbers of employees, and vehicle identification numbers shall be kept and made available for inspection by Division personnel, and at which correspondence from the Board may be received. A post office box is not acceptable.

8.6.3.2 In the event that the mobile unit(s) are not located at the permanent business address, a permanent physical address from which the mobile unit is dispatched and to which the mobile unit is returned when not in use. A post office box is not acceptable.

8.6.3.3 The mobile salon’s telephone number, or other means of telecommunication, by which it can be contacted by Division personnel.

8.6.3.4 All motor vehicles' identification numbers.

8.6.4 Prior to the beginning of each month, each mobile salon license holder shall file with the Board a written monthly itinerary which lists the locations where and the dates and hours when the mobile salon will be operating. The monthly itinerary shall include the vehicle's identification number and the mobile salon's telephone number. Any changes to the itinerary shall be submitted to the Board in the form of an amended itinerary at least 24 hours in advance of the scheduled appointment at which services will be provided. Each salon shall be operated only at the times and places specified in the monthly itinerary.

8.6.5 All mobile salons and associated business locations shall be subject to inspection by Division and Department of Public Health personnel.

8.6.6 The mobile salon's professional license shall be prominently displayed in the interior of the salon.

8.6.7 The salon name and license number shall be in lettering at least five inches in height and shall be visibly displayed and clearly legible on at least two exterior sides of each mobile salon.

8.6.8 No service may be performed on a client in a moving vehicle. Services shall be performed in a mobile salon that is parked in a safe, accessible, and legal parking spot.